



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

11 APR 2007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Article Number: 7004 2510 0006 9720 8261

C.T. Corporation System  
120 South Central Avenue  
Clayton, MO 63105

RE: River Cement Company d/b/a Buzzi Unicem U.S.A.  
Festus, Missouri  
Notice and Finding of Violation

29-099-00002

Dear Sir/Madam:

The United States Environmental Protection Agency (EPA) hereby notifies River Cement Company (RCC), d/b/a Buzzi Unicem U.S.A. (Buzzi), that EPA finds RCC in violation of Missouri Code of State Regulations (C.S.R.) 10 C.S.R. § 10-6.220, and therefore in violation of an applicable state implementation plan approved by EPA pursuant to Section 110 of the Clean Air Act, 42 U.S.C. § 7410. RCC is also in violation of the Clean Air Act and its implementing regulations. 42 U.S.C. § 7412, 40 C.F.R. Part 63, Subpart LLL.

This letter constitutes a notice of a violation under the applicable state implementation plan pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). This Notice is not a comprehensive list of all possible violations of the Clean Air Act. The Notice does not constitute a waiver of EPA authority to pursue an enforcement action under Section 113 of the Act, or of state or local authority to pursue an enforcement action under applicable state and local statutes, for any violation addressed herein. The Notice does not affect RCC's responsibility to comply with any applicable federal, state or local regulations.

You may, upon request, confer with EPA to discuss actions to be taken by RCC to come into compliance with the Act. To schedule such a conference, please contact Kelley Hickman, Office of Regional Counsel, at (913) 551-7110 within ten days of receipt of this letter.

Sincerely,

Becky Weber

Director

Air, RCRA, and Toxics Division

Enclosure

cc w/ enclosure:

David A Nepereny  
Buzzi Unicem U.S.A.  
William S. Collumbien  
Buzzi Unicem U.S.A.  
William A. Humenuk  
Buzzi Unicem U.S.A.  
Stephen M. Miloscia  
Buzzi Unicem U.S.A.  
Steve Feeler  
Missouri Department of Natural Resources

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 North Fifth Street  
Kansas City, Kansas 66101

In the Matter of:	)	
	)	
River Cement Co.	)	
d/b/a Buzzi Unicem U.S.A.	)	Clean Air Act
1000 River Cement Road	)	42 U.S.C. § 7401 <i>et seq.</i>
Festus, Missouri 63028	)	

NOTICE AND FINDING OF VIOLATION

The United States Environmental Protection Agency (EPA) notifies River Cement Company (RCC), d/b/a Buzzi Unicem U.S.A. (Buzzi), that the EPA finds its Festus, Missouri facility in violation of Sections 110 and 112 of the Clean Air Act (CAA) as specifically set forth below. 42 U.S.C. §§ 7410 and 7412. This notification is issued pursuant to Section 113(a)(1) of the Clean Air Act, as amended, 42 U.S.C. § 7413(a)(1), which provides that whenever, on the basis of information available to the Administrator, the EPA finds that any person has violated or is violating any requirement or prohibition of an applicable implementation plan or permit, EPA shall notify the person and the State in which the plan applies of such finding.

Accordingly, you are hereby notified that the EPA finds RCC d/b/a Buzzi in violation of provisions of Missouri Code of State Regulations (C.S.R.), 10 C.S.R. § 10-6.220, approved by EPA as part of the Missouri State Implementation Plan (SIP) pursuant to Section 110 of the CAA.

**I. BACKGROUND**

**A. GENERAL**

1. RCC owns or operates a portland cement facility in Jefferson County, Missouri.
2. RCC operates two long-dry kilns designated as Kiln 4001 and Kiln 4002. Effluent from the two kilns discharge through a single stack.

**B. STATE IMPLEMENTATION PLAN**

3. Because Jefferson County is located in an area that has been designated as part of the St. Louis Metropolitan area with respect to visible emission limitations, RCC is subject to the requirements of 10 C.S.R. § 10-6.220.
4. 10 C.S.R. § 10-6.220(3)(A) prohibits discharges into the atmosphere from any source in the St. Louis Metropolitan area, any visible emissions greater than twenty percent.

### C. NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

5. Because RCC emits or has the potential to emit 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, it is a major source for purposes of Section 112 of the CAA. 42 U.S.C. § 7412.
6. Because RCC owns or operates a portland cement kiln at a major source pursuant to Section 112 of the CAA, RCC is subject to the National Emissions Standards of Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. 40 C.F.R. Part 63, Subpart LLL.
7. Subpart LLL provides in part that no owner or operator of an existing kiln at a facility that is a major source shall cause to be discharged into the atmosphere from this affected source, any gases which exhibit opacity greater than 20 percent. 40 C.F.R. § 63.1343(b)(2).
8. Subpart LLL further requires that the owner or operator of a kiln shall monitor opacity at each point where emissions are vented from affected sources. 40 C.F.R. § 63.1350(c). The owner or operator shall install, calibrate, maintain and continuously operate a continuous opacity monitor (COM) to continuously monitor the opacity. 40 C.F.R. § 63.1350(c)(1).

### II. VIOLATIONS

9. In response to an EPA information request letter, Buzzi provided EPA with copies of the 2005-2006 COM quarterly summary reports. The reports identify the following discharges of gases into the atmosphere from the Kiln 4001 and Kiln 4002 monostack which exhibit opacity greater than twenty percent:

2005	Minutes of opacity greater than 20%
1 <sup>st</sup> Quarter	14,399 11.18 %
2 <sup>nd</sup> Quarter	9,904 7.72
3 <sup>rd</sup> Quarter	12,194 9.4
4 <sup>th</sup> Quarter	12,846 10.15

2006	Minutes of opacity greater than 20%
1 <sup>st</sup> Quarter	7,066 5.85
2 <sup>nd</sup> Quarter	8,199 6.34
3 <sup>rd</sup> Quarter	5,829 5.04

10. Each exceedance of the emission limits set forth in paragraph 9 is a violation of the federally approved Missouri SIP, and a violation of the CAA and its implementing regulations. 10 C.S.R. § 10-6.220; 42 U.S.C. § 7412 and 40 C.F.R. Part 63, Subpart LLL.

### III. POTENTIAL LIABILITY


11. Section 113(a)(1) and (3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and (3), provides that whenever, on the basis of any information available to the Administrator, the Administrator finds that any person has violated or is in violation of any requirement or prohibition of an applicable implementation plan or permit, the Administrator shall notify the person and the State in which the plan applies of such a finding. At any time after the expiration of thirty (30) days following the date this Notice and Finding of Violation, the Administrator may, without regard to the period of violation:

- a. Issue an administrative penalty order assessing a civil penalty not to exceed \$32,500 per day for each violation that occurred after March 15, 2004;
- b. Issue an order requiring compliance with the requirements or prohibitions of the applicable plan or permit;
- c. Bring a civil action for permanent or temporary injunction, or to recover a penalty, not to exceed \$32,500 per day for each violation that occurred after March 15, 2004; or
- d. Request the Attorney General to commence a criminal action in accordance with Section 113(c).

12. The issuance of this Notice of Violation/Finding of Violation does not preclude the State of Missouri, or the EPA from assessing penalties, or taking any action authorized by the Act. This Notice and Finding of Violation does not affect the obligation of RCC to comply with all applicable and federal, state, or local regulations.

13. Pursuant to Section 306 of the Clean Air Act, 42 U.S.C. § 7606; Executive Order 11738; and EPA regulations issued thereunder, 40 C.F.R. Part 15; facilities to be utilized in federal contracts, grants, and loans must be in compliance with standards established pursuant to the Act. The violations set forth in this notification may result in ineligibility to participate with a federal contract, grant, or loan.

4/5/07  
Date

  
Becky Weber  
Director  
Air, RCRA, and Toxics Division